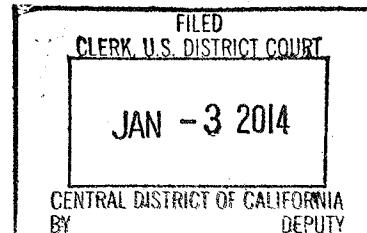


1           **DYKEMA GOSSETT LLP**  
2           ASHLEY R. FICKEL, SBN: 237111  
3           afickel@dykema.com  
4           JEFFREY A. ILOULIAN, SBN: 293633  
5           jiloulian@dykema.com  
6           333 South Grand Avenue, Suite 2100  
7           Los Angeles, CA 90071  
8           Telephone: (213) 457-1800  
9           Facsimile: (213) 457-1850

10           Attorneys for Defendant  
11           ASSET ACCEPTANCE, LLC



12           UNITED STATES DISTRICT COURT  
13           FOR THE CENTRAL DISTRICT OF CALIFORNIA

14           JENIFFER JELENSKY, an individual  
15           Plaintiff,  
16           vs.  
17           ASSET ACCEPTANCE, entity unknown,  
18           and DOES 1 through 10 inclusive,  
19           Defendants.

Case No. **CV14-00083-DSF** (JCG)

**DEFENDANT ASSET  
ACCEPTANCE, LLC'S NOTICE  
OF REMOVAL**

[28 U.S.C. § 1331]

DYKEMA GOSSETT LLP  
333 SOUTH GRAND AVENUE  
SUITE 2100  
LOS ANGELES, CA 90071

1           Defendant Asset Acceptance, LLC ("Asset") hereby gives notice that this  
2 action is removed from the Superior Court of the State of California, County of Los  
3 Angeles to the United States District Court for the Central District of California,  
4 pursuant to 28 U.S.C. §§ 1441 and 1446. In support thereof, and for the purpose of  
5 removal only, Asset states as follows:

6           1. On November 18, 2013, Plaintiff commenced this action against Asset in  
7 the Superior Court of the State of California, County of Los Angeles, Limited Civil  
8 Division, Case No. 13K16407. Asset was served with the Complaint on December 4,  
9 2013. Copies of all process, pleadings, and orders served upon Asset in the action,  
10 and a true and correct copy of the Superior Court docket in the action, are contained  
11 in Exhibit A attached hereto.

12           2. Plaintiff alleges Asset violated the Fair Debt Collection Practices Act  
13 ("FDCPA"), 15 U.S.C. §§1692 et seq. and the Rosenthal Fair Debt Collection  
14 Practices Act ("RFDCPA"), California Civil Code §1788., et seq. Both claims arise  
15 from a common nucleus of operative facts. Plaintiff claims Asset violated the  
16 FDCPA and RFDCPA in connection with Asset's efforts to collect a debt owed by  
17 Plaintiff.

18           3. This Court has original jurisdiction over the subject action pursuant to 28  
19 U.S.C. § 1331, because Plaintiff alleges Asset violated a federal statute – the FDCPA.

20           4. Pursuant to 28 U.S.C. §§ 1441, et seq., this cause may be removed from  
21 the Superior Court of the State of California, County of Los Angeles, to the United  
22 States District Court for the Central District of California.

23           5. Plaintiff also alleges Asset violated a state statute – California Civil  
24 Code § 1788. Because the federal and non-federal claim each derive from a common  
25 nucleus of operative facts, this Court has supplemental jurisdiction over the non-  
26 federal claim alleged against Asset. 28 U.S.C. § 1337(a).

27           6. Notice of this removal has been filed with the Superior Court of the State  
28 of California, County of Los Angeles, and served upon all parties.

DYKEMA GOSSETT LLP  
333 South Grand Avenue  
Suite 2100  
Los Angeles, CA 90071

1 WHEREFORE, Asset Acceptance, LLC removes the subject action from the  
2 Superior Court of the State of California, County of Los Angeles, to the United States  
3 District Court for the Central District of California.

4  
5 Dated: January 3, 2013

DYKEMA GOSSETT LLP

6  
7 By: */s/ Jeffrey A. Iloulian*

8 Ashley R. Fickel  
9 Jeffrey A. Iloulian  
Attorneys for Defendant  
ASSET ACCEPTANCE, LLC

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DYKEMA GOSSETT LLP  
333 SOUTH GRAND AVENUE  
SUITE 2100  
LOS ANGELES, CA 90071

**EXHIBIT “A”**

## Case Summary

Case Number: 13K16407  
JELENSKY, JENIFFER VS ASSET ACCEPTANCE  
Court: Stanley Mosk Courthouse

Filing Date: 11/18/2013  
Case Type: OTHER (Limited Jurisdiction)  
Status: Pending

### Future Hearings

05/18/2015 at 08:30 AM in department 77 at 110 North Grand Ave., Los Angeles, CA 90012  
NON-JURY TRIAL

11/18/2016 at 08:30 AM in department 77 at 110 North Grand Ave., Los Angeles, CA 90012  
ORDER TO SHOW CAUSE

### History Information

#### Parties

Plaintiff: JELENSKY JENIFFER  
Attorney: LAW OFF OF L PAUL MANKIN IV

Defendant: ASSET ACCEPTANCE  
Attorney: None

### Party Information

#### Histories (Dates listed in descending order)

11/22/2013 NON-JURY TRIAL SET FOR 05/18/15, 08:30 AM, DEPT 77

11/21/2013 OSC SET 11/18/16, 08:30 AM, DEPT. 77 PURSUANT TO GENERAL ORDER

11/18/2013 COMPLAINT FILED

11/18/2013 SUMMONS FILED

[Case Information](#) | [Party Information](#) | [History Information](#)



**TO:** Andrea Dickson-Rekasi  
Asset Acceptance LLC  
28405 Van Dyke Avenue  
Warren, MI 48093

**RE:** **Process Served in Wisconsin**  
**FOR:** Asset Acceptance, LLC (Domestic State: DE)

### Service of Process

### Transmittal

12/04/2013

CT Log Number 523999602

#### ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

**TITLE OF ACTION:** Jeniffer Jelensky, etc., Pltf. vs. Asset Acceptance, etc., et al., Dfts.  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** Summons, Cover Sheet(s), Instructions, Complaint, Order

**COURT/AGENCY:** Los Angeles County Superior Court, CA  
Case # 13K16407

**NATURE OF ACTION:** Defendant violated the Fair Debt Collection Practices Act

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Madison, WI

**DATE AND HOUR OF SERVICE:** By Process Server on 12/04/2013 at 07:50

**JURISDICTION SERVED :** Wisconsin

**APPEARANCE OR ANSWER DUE:** Within 30 days

**ATTORNEY(S) / SENDER(S):** Paul Mankin  
8730 Wilshire Blvd, Suite 310  
Beverly Hills, CA 90211  
800-219-3577

**REMARKS:** Please note the process server underlined, circled, initialed and/or highlighted the entity being served prior to receipt by C T Corporation System.

**ACTION ITEMS:** CT has retained the current log, Retain Date: 12/05/2013, Expected Purge Date: 12/10/2013  
Image SOP  
Email Notification, Andrea Dickson-Rekasi adicksonrekasi@assetacceptance.com  
Email Notification, Carol Steury csteury@assetacceptance.com

**SIGNED:** C T Corporation System  
**PER:** Dawn Pederson  
**ADDRESS:** 8040 Excelsior Drive  
Suite 200  
Madison, WI 53717  
**TELEPHONE:** 608-833-4821

**SUMMONS****(CITACION JUDICIAL)****NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO):**

ASSET ACCEPTANCE, entity unknown, and DOES 1-10 inclusive

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**  
JENIFFER JELENSKY, an individual**SUM-100**FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)**CONFORMED COPY**  
**ORIGINAL FILED**  
Superior Court of California  
County of Los Angeles

NOV 18 2013

Sherri R. Carter, Executive Officer/Clerk  
By Victor Sino-Cruz, Deputy**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/sehlp](http://www.courtinfo.ca.gov/sehlp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/sehlp](http://www.courtinfo.ca.gov/sehlp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en este corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)) en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO.** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.The name and address of the court is  
(El nombre y dirección de la corte es): Stanley Mosk CourthouseCASE NUMBER  
(Número de Caso)

13K16407

111 North Hill Street

Los Angeles, CA 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Paul Mankin, Esq., 8730 Wilshire Blvd. Suite 310, Beverly Hills, CA 90211, (800) 219-3577

DATE: November 5, 2013  
(Fecha)SHERRI R. CARTER, by  
(Secretario)VICTOR SINO-CRUZ, Deputy  
(Adjunto)(For proof of service of this summons, use Proof of Service of Summons (Form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010))**NOTICE TO THE PERSON SERVED:** You are served

1.  as an individual defendant
2.  as the person sued under the fictitious name of (specify):
3.  on behalf of (specify): Asset Acceptance, entity unknown  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify): 415.95 Business Organization, Form Unknown
4.  by personal delivery on (date)

NOV 18 2013

Form Adopted for Mandatory Use  
Judicial Council of California  
SUM-100 (Rev July 1, 2009)**SUMMONS**Code of Civil Procedure §§ 412.20, 465  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

SHORT TITLE: JELENSKY v ASSET ACCEPTANCE	CASE NUMBER 13K16407
---	-------------------------

**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL 4  1/2 HOURS/  DAYS

**Item II.** Indicate the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.

**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

1. Class actions must be filed in the Stanley Mosk Courthouse, central district. 2. May be filed in central (other county, or no bodily injury/property damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides.	6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office
---	---

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1.. 2.. 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1.. 2.. 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1.. 2.. 3.. 4.. 8.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1.. 4. 1.. 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1.. 4. 1.. 4. 1.. 3. 1.. 4.

SHORT TITLE <b>JELENSKY v ASSET ACCEPTANCE</b>		CASE NUMBER																																																																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center; width: 33.33%;"><b>A</b> Civil Case Cover Sheet Category No.</th> <th style="text-align: center; width: 33.33%;"><b>B</b> Type of Action (Check only one)</th> <th style="text-align: center; width: 33.33%;"><b>C</b> Applicable Reasons - See Step 3 Above</th> </tr> </thead> <tbody> <tr> <td rowspan="6" style="vertical-align: top; text-align: center;">Non-Personal Injury/ Property Damage/ Wrongful Death Tort</td> <td><input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)</td> <td>1.. 3.</td> </tr> <tr> <td><input type="checkbox"/> A6005 Civil Rights/Discrimination</td> <td>1.. 2.. 3.</td> </tr> <tr> <td><input type="checkbox"/> A6010 Defamation (slander/libel)</td> <td>1.. 2.. 3.</td> </tr> <tr> <td><input type="checkbox"/> A6013 Fraud (no contract)</td> <td>1.. 2.. 3.</td> </tr> <tr> <td><input type="checkbox"/> A6017 Legal Malpractice</td> <td>1.. 2.. 3</td> </tr> <tr> <td><input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)</td> <td>1.. 2.. 3</td> </tr> <tr> <td rowspan="6" style="vertical-align: top; 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		<input type="checkbox"/> A6032 Quiet Title	2.. 6.																																																																			
		<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2.. 6.																																																																			
		<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2.. 6.																																																																			
<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)		2.. 6.																																																																				
<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure		2.. 6.																																																																				
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SHORT TITLE JELENSKY v ASSET ACCEPTANCE		CASE NUMBER																																																
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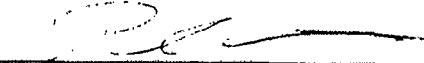
SHORT TITLE JELENSKY v ASSET ACCEPTANCE	CASE NUMBER
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**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.		ADDRESS 1850 N. New Hampshire Ave.
<input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		
CITY Los Angeles	STATE CA	ZIP CODE 90027

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 20, subds. (b), (c) and (d)].

Dated: November 5, 2013

  
(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY	
Paul Mankin, Esq. SBN: 264038 The Law Office of Paul Mankin 8730 Wilshire Blvd., Suite 310 Beverly Hills, CA 90211 TELEPHONE NO. (800) 219-3577 ATTORNEY FOR (Name) JENIFFER JELENSKY		<b>CONFORMED COPY</b> <b>ORIGINAL FILED</b> Superior Court of California County of Los Angeles	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS 111 North Hill Street MAILING ADDRESS 111 North Hill Street CITY AND ZIP CODE Los Angeles, 90012 BRANCH NAME Stanley Mosk Courthouse		NOV 18 2013 Sherri R. Carter, Executive Officer/Clerk By Victor Sino-Cruz, Deputy	
CASE NAME: <b>JELENSKY v ASSET ACCEPTANCE</b>		CASE NUMBER <b>13K16407</b>	
<b>CIVIL CASE COVER SHEET</b> <input type="checkbox"/> Unlimited <input checked="" type="checkbox"/> Limited (Amount demanded demanded exceeds \$25,000)      (Amount demanded is \$25,000 or less)		<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	JUDGE
			DEPT

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case: <b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (38) <input type="checkbox"/> Other employment (15)		<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- Large number of separately represented parties
- Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- Substantial amount of documentary evidence
- Large number of witnesses
- Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary   b.  nonmonetary; declaratory or injunctive relief   c.  punitive

4. Number of causes of action (specify):

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 5, 2013

Paul Mankin, Esq.

(TYPE OR PRINT NAME)

SIGNATURE OF PARTY OR ATTORNEY FOR PARTY

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

CM-010

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**Auto Tort**

Auto (22)–Personal Injury/Property  
Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/  
Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice–  
Physicians & Surgeons  
Other Professional Health Care  
Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of  
Emotional Distress  
Negligent Infliction of  
Emotional Distress  
Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

**Employment**

Wrongful Termination (36)  
Other Employment (15)

**CASE TYPES AND EXAMPLES****Contract**

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach–Seller  
Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/  
Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open  
book accounts) (09)  
Collection Case–Seller Plaintiff  
Other Promissory Note/Collections  
Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

**Real Property**

Eminent Domain/Inverse  
Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or  
foreclosure*)

**Unlawful Detainer**

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise report as Commercial or Residential*)

**Judicial Review**

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ–Administrative Mandamus  
Writ–Mandamus on Limited Court  
Case Matter  
Writ–Other Limited Court Case  
Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal–Labor  
Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims  
(*arising from provisionally complex case types listed above*) (41)

**Enforcement of Judgment**

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award  
(*not unpaid taxes*)  
Petition/Certification of Entry of  
Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

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Superior Court of California  
County of Los Angeles

NOV 18 2013

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4 Beverly Hills, CA 90211  
Phone: (800)-219-3577  
Facsimile: (323) 207-3885

Sherri R. Carter, Executive Officer/Clerk  
By Victor Sino-Cruz, Deputy

5 Attorney for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

## FOR LOS ANGELES COUNTY

## LIMITED JURISDICTION

13K16407

JENIFFER JELENSKY, an individual,  
Plaintiff.

) Case No.:

## 1. Violation of the Federal Eq.

1. Violation of the Federal Fair Debt Collection Practices Act;
2. Violation of the Rosenthal Fair Debt Collection Practices Act;

## INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.*, ("hereinafter "FDCPA"), the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788, *et seq.* ("hereinafter "RFDCPA"), both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

**COMPLAINT -**

## PARTIES

2. Plaintiff JENIFFER JELENSKY ("Plaintiff"), a natural person who at all times herein mentioned was a resident of the City of Los Angeles, in Los Angeles County, and State of California and is a "consumer" as defined by the FDCPA, 15 U.S.C. §1692a(3) and a "debtor" as defined by Cal. Civ. Code §1788.2(h). Plaintiff at all relevant times with respect to this complaint was a resident of Los Angeles County California.

3. At all relevant times herein, Defendant, ASSET ACCEPTANCE (hereinafter "AA"), was a company engaged, by use of mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "debt," as defined by 15 U.S.C. §1692(a)(5) and a "consumer debt" as defined by Cal. Civ. Code §1788.2(f). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692(a)(6), and RFDCPA, Cal. Civ. Code §1788.2(c).

4. Plaintiff does not know the true names and capacities, whether corporate, partnership, associate, individual or otherwise, of Defendants sued herein as Does 1 through 10, inclusive, and therefore names said Defendants under provisions of *Section 474 of the California Code of Civil Procedure.*

5. Plaintiff is informed and believes, and on that basis alleges that Defendants Does 1 through 10 are in some manner responsible for acts, occurrences and transactions set forth herein and are legally liable to Plaintiff.

## FACTUAL ALLEGATIONS

6. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

1       7. This financial obligation was primarily for personal, family or household purposes and  
2 are therefore "debt(s)" as that term is defined by 15 U.S.C. § 1692a(5).  
3

4       8. Defendant AA has placed calls to Plaintiff on a daily basis regarding the collection of a  
5 debt allegedly owed by Plaintiff.  
6

7       9. Plaintiff has received multiple telephone calls each day from Defendant in connection  
8 with the collection of the alleged debt.  
9

10      10. On information and belief, on average, Plaintiff received two or more calls per day from  
11 Defendant.  
12

13      11. On information and belief, on average, Plaintiff received fifteen or more calls per week  
14 from Defendant calling from phone number (800) 545-9931.  
15

16      12. Defendant AA continued to call in spite of Plaintiff's repeated requests that they cease  
17 their collection attempts.  
18

19      13. On information and belief, the amount demanded by Defendant AA was not an amount  
20 owed by Plaintiff to any creditor including Defendant AA.  
21

22      14. Defendant's conduct violated the FDCPA, and the RFDCPA, in multiple ways, including  
23 but not limited to:  
24

- 25       a) Engaging in conduct the natural consequence of which is to harass, oppress, or abuse  
26 Plaintiff (§1692d);  
27
- 28       b) Causing a telephone to ring or engaging any person in telephone conversation  
29 repeatedly or continuously with intent to annoy, abuse, or harass any person at the  
called number (§1692d(5));  
30
- 31       c) Attempting to collect an amount not legally owed (§1692e(2)(A));  
32
- 33       d) Communicating, by telephone or in person, with plaintiff with such frequency as to  
34 be unreasonable and to constitute a harassment to Plaintiff under the circumstances  
35 (Cal. Civ. Code §1788.11(c));  
36
- 37       e) Causing a telephone to ring repeatedly or continuously to annoy Plaintiff (Cal. Civ.  
38 Code §1788.11(d)).  
39

1  
2 15. As a result of the above violations of the FDCPA, RFDCPA, Plaintiff suffered and  
3 continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental  
4 anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages,  
5 statutory damages, and costs and attorney's fees.  
6

7 **COUNT I: VIOLATION OF THE FAIR**  
**DEBT COLLECTION PRACTICES ACT**  
8

9 16. Plaintiff reincorporates by reference all of the preceding paragraphs.  
10  
11 17. To the extent that Defendant's actions, counted above, violated the FDCPA, those actions  
12 were done knowingly and willingly.  
13

14 **PRAYER FOR RELIEF**  
15  
16

17 WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant  
18 for the following:  
19

20 A. Actual damages;  
21 B. Statutory damages;  
22 C. Costs and reasonable attorney's fees; and  
23 D. For such other and further relief as may be just and proper.  
24

25 **COUNT II: VIOLATION OF THE ROSENTHAL FAIR**  
**DEBT COLLECTION PRACTICES ACT**  
26

27 18. Plaintiff reincorporates by reference all of the preceding paragraphs.  
28 19. To the extent that Defendant's actions, counted above, violated the RFDCPA, those  
actions were done knowingly and willingly.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant for the following:

- A. Actual damages;
- B. Statutory damages;
- C. Costs and reasonable attorney's fees; and
- D. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A JURY TRIAL**

Date: November 5, 2013

Paul Mankin, Esq.  
Attorney for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

In re Los Angeles Superior Court Cases General ) Case No.:  
Order – Limited Jurisdiction (Non-Collections) )  
Cases ) GENERAL ORDER  
 )  
 )  
 )  
 )  
 )

13K16407

**TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY:**

Pursuant to the California Code of Civil Procedure, the California Rules of Court, and the  
Los Angeles County Court Rules, the COURT HEREBY GENERALLY ORDERS AS  
FOLLOWS IN THIS ACTION:

**1. PLAINTIFF/S IS/ARE ORDERED TO SERVE A COPY OF THIS  
GENERAL ORDER ON THE DEFENDANT/S WITH COPIES OF THE SUMMONS  
AND COMPLAINT AND TO FILE PROOF OF SERVICE, AS MANDATED IN THIS  
ORDER. (Code Civ. Proc., § 594, subd. (b).)**

2. The Court sets the following trial date in this case in Department 77 at the  
Stanley Mosk Courthouse, 111 North Hill Street, Los Angeles, CA 90012:

POS: 05 / 19 / 2014 TRIAL: 05 / 18 / 2015 OSC: 11 / 18 / 2016

## TRIAL:

• Date: \_\_\_\_\_ at 8:30 a.m.

## **SERVICE OF SUMMONS AND COMPLAINT**

27       3.     The trial date set forth above is conditioned on the defendant/s being served  
28 with the summons and complaint within six (6) months of the filing of the complaint. The

1 trial date will be continued to a later date if service is not accomplished within six (6)  
2 months. The parties may stipulate to keep the original trial date even if service of the  
3 summons and complaint is not completed within six (6) months of the filing of the original  
4 complaint.

5 4. The summons and complaint shall be served upon the defendant/s within three  
6 (3) years after the complaint is filed in this action. (Code Civ. Proc., § 583.210, subd. (a).)  
7 Failure to comply will result in dismissal, without prejudice, of the action, as to all unserved  
8 parties who have not been dismissed as of that date. (Code Civ. Proc., § 581, subd. (b)(4).).  
9 The dismissal as to the unserved parties, without prejudice, for this case shall be effective on  
10 the following date:  
11

12 **UNSERVED PARTIES DISMISSAL DATE**

13 **05/19/2014 TRIAL 05/18/2015 OSG: 114 13/2015**

18 5. No Case Management Review (CMR) will be conducted in this case.

19 **LAW AND MOTION**

21 6. All regularly noticed pre-trial motions will be heard in Department 77 on  
22 Mondays, Tuesdays, Wednesdays, and Thursdays at 8:30 a.m. Motions will require parties  
23 to reserve a hearing date by calling (213) 974-6247. All motions should be filed in Room  
24 102 of the Stanley Mosk Courthouse.

25 7. Tentative rulings may be posted on the Court's internet site at  
26 <http://www.lasuperiorcourt.org/tentativeruling> the day prior to the hearing.

### **EX PARTE APPLICATIONS**

1  
2. Ex parte applications should be noticed for 1:30 p.m. in Department 77. All  
3 applications must be filed by 1:00 p.m. in Room 102 of the Stanley Mosk Courthouse.

### **JURY FEES**

5  
9. The fee shall be due no later than 365 calendar days after the filing of the  
6 initial complaint. (Code Civ. Proc., § 631, subds. (b) and (c).)

### **STIPULATION TO CONTINUE TRIAL**

9  
10. A trial will be postponed if all attorneys of record and/or the parties who have  
11 appeared in the action stipulate in writing to a specific continued date. If the Stipulation is  
12 filed less than five (5) court days before the scheduled trial date, then a courtesy copy of the  
13 stipulation must be filed in Department 77. The stipulation and order should be filed in  
14 Room 102 of the Stanley Mosk Courthouse with the required filing fees. (Code Civ. Proc., §  
15 595.2 and Govt. Code § 70617, subd. (c)(2).)

### **TRIAL**

17  
18. Parties are to appear on the trial date ready to go to trial, and must meet and  
19 confer on all pretrial matters at least 20 calendar days before the trial date. On the day of  
20 trial the Parties shall bring with them to Department 77 all of the following:

21 i. Joint Statement of the Case;  
22 ii. Motions in Limine, which must be served and filed in accordance with the  
23 Local Rules of the Los Angeles Superior Court ( LASC), see local rule 3.57;  
24 iii. Joint Witness List disclosing the witnesses who will be called what they will  
25 testify to, and how long their testimony will take;  
26 iv. Joint Exhibits in exhibit books, numbered appropriately, and Exhibit List;  
27  
28

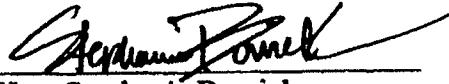
- 1 v. Joint Proposed Jury Instructions printed out for the court; and
- 2 vi. Joint Proposed Verdict form(s) printed out for the court.

3 **12. FAILURE TO COMPLY WITH ANY REQUIREMENT SET FORTH**

4 **IN PARAGRAPH 11 ABOVE MAY RESULT IN SANCTIONS OR THE VACATING**  
5 **OF THE TRIAL DATE. (Los Angeles Superior Court Local Rule 3.37.)**

6  
7  
8 **GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED.**

9  
10  
11 DATE: March 13, 2013  
12



13 Hon. Stephanie Bowick  
14 Judge of the Superior Court  
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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
NOTICE OF CASE PROCEDURES & REQUIREMENTS LIMITED CIVIL  
(NON-COLLECTION) ACTIONS**

Case Number: \_\_\_\_\_

**THIS FORM WILL BE POSTED IN THE COURTROOM AND ON THE COURT'S WEBSITE**

**LIMITED JURISDICTION CASE MANAGEMENT PROCEDURES AND INSTRUCTIONS**

**The following critical provisions, as applicable in the Central District are cited for your information:**

**TIME STANDARDS:**

**COMPLAINTS:** All complaints should be served and the proof of service filed within 60 days after filing of the complaint.

**CROSS-COMPLAINTS:** Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints against parties new to the action must be served and the proof of service filed within 30 days after the filing of the cross-complaint. A cross-complaint against a party who has already appeared in the action must be accompanied by proof of service of the cross-complaint at the time it is filed (Code Civ. Proc. §428.50).

**DEFAULTS:** (Local Rule 9.10, Cal. Rules of Court, rule 3.110(g)). If a responsive pleading is not served within the time to respond and no extension of time has been granted, the plaintiff should file a Request for Entry of Default within 10 calendar days after the time to respond has elapsed. The plaintiff should request default judgment on the defaulting defendants within 40 calendar days after entry of default. Requests for entry of default judgments will only be considered based upon written submissions.

**NOTICED MOTIONS:** All regularly noticed pre-trial motions will be heard in the Limited Civil Courtroom on Mondays, Tuesdays, Wednesdays and Thursdays at 8:30 a.m. and will require parties to reserve a hearing date in Department 77. Motions for Summary Judgment must be identified at the time of reservation. All motions should be filed in Room 102. Tentative rulings may be posted on the Court's internet site, [http://www.lasuperiorcourt.org/tentative\\_ruling](http://www.lasuperiorcourt.org/tentative_ruling), the day prior to the hearing.

**EX-PARTE MATTERS:** All pre-trial ex-parte applications should be noticed in the Limited Civil Court, Department 77 for 1:30 p.m. Ex parte appearance applications for Department 77 will be heard daily and must be filed by 1:00 p.m. daily in Room 102 on the day of the hearing.

**UNINSURED MOTORISTS CLAIMS:** Delay Reduction Rules do not apply to uninsured motorist claims. The plaintiff must file a Notice of Designation with the Court, identifying the case as an uninsured motorist claim under Insurance Code section 11580.2

## PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 333 South Grand Avenue, #2100, Los Angeles, California 90071.

On January 3, 2014, I served the foregoing document described as **DEFENDANT ASSET ACCEPTANCE, LLC'S NOTICE OF REMOVAL** on all interested parties in this action as follows:

Paul Mankin  
The Law office of L. Paul Makin IV  
8730 Wilshire Blvd., Suite 310  
Beverly Hills, CA 90211  
Phone: (800) 219-3577  
Fax: (323) 207-3885

Attorneys for Plaintiff

**(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on the same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing on affidavit.

**(BY PERSONAL SERVICE)** I delivered such envelope by hand to the offices of the addressee.

**(BY OVERNIGHT SERVICE)** Via Federal Express

**(BY E-Mail)** I caused such document to be transmitted by electronic format to the office of the addressee(s) listed above.

**(BY FACSIMILE)** By transmitting in true copy thereof by facsimile from facsimile number (213) 457-1850 to the facsimile number(s) shown above.

(State) I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

(Federal) I declare that I employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **January 3, 2014**, at Los Angeles, California.

/s/ Cathy Perez  
Cathy Perez